

Amendments to the Drawings

The attached sheet of drawings includes changes to Figures 2 and 4. Figure 2 has been amended to show reference numeral 35 pointing to the lumen. Figure 4 has been amended to show the bond extending between the distal shaft and the inflation shaft.

Attachment: Replacement Drawings
Annotated Drawings

Remarks/Arguments

Applicants have received and carefully reviewed the Final Office Action of the Examiner mailed October 6, 2008. Currently, claims 1-5, 8, 13-17, 19-23, and 28-31 remain pending. Claims 1-5, 8, 13-17, 19-23, and 28-31 have been rejected. In this amendment, claim 13 has been amended and claims 16 and 17 have been canceled. Favorable consideration of the following remarks is respectfully requested.

Priority

In paragraph 1 of the Final Office Action, the Examiner indicates that claims 4, 7, 17, and 22 do not have support in the parent case (09/860,744). Applicant notes that in Amendment filed November 19, 2007, the specification was amended to drop the priority claims of U.S. Patent Application Serial No. 09/860,744. As such, the priority claim to U.S. Patent Application Serial No. 09/860,744 has been canceled. Applicant respectfully request that an updated filing receipt be issued reflecting the change in priority.

Drawings

In paragraph 2 of the Final Office Action, the drawings were objected to because new Figure 2 filed on 11/19/07 does not clearly depict the main guidewire lumen with element 35. In paragraph 3 of the Final Office Action, Figure 2 was objected to as being unclear as what delineates the bond. With this Amendment, Replacement Drawings are attached amending Figure 2 to have reference numeral 35 pointed towards the lumen. Applicant respectfully asserts that Figure 2 clearly shows the cross-sectional view of the bond 24 shown in Figure 1. If the Examiner is to maintain this objection, Applicant respectfully requests further clarification on how the drawings should be amended to satisfy the Examiner's objection.

In paragraph 4 of the Final Office Action, the Examiner objects to Figure 4 as being unclear where the bond between the distal shaft and the inflation tube occurs. With this Amendment, Applicant has amended Figure 4 to include a line between the distal shaft and the inflation shaft completing the bond, as suggested by the Examiner.

Claim Rejections – 35 USC § 112

In paragraph 5 of the Final Office Action, claims 16 and 17 were rejected under 35

U.S.C. 112, first paragraph, as failing to comply with the written description. With this Amendment, claims 16 and 17 have been canceled rendering this rejection moot.

In paragraph 7 of the Final Office Action, claims 16 and 17 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With this Amendment, claims 16 and 17 have been canceled rendering this rejection moot.

In paragraph 8 of the Final Office Action, claims 13-23 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner states that it is unclear how the proximal tube is “terminated at a distal open end” that is “coupled to the proximal open end of the first tube...and the second tube”. The Examiner asserts that Figure 2 shows a proximal tube 22 that does not have an open distal end at the bond 24 but rather is enclosed. While Applicant must respectfully disagree, to further prosecution, Applicant has amended claim 13 delete the term “open” from the “distal open end” and “proximal open end” expressions. Thus, Applicant respectfully request withdrawal of the rejection.

Claim Rejections – 35 USC § 102

In paragraph 9 of the Final Office Action, claims 1, 3, 4, 13, 14, 16, 17, 19, 21, 22, 28, and 29 were rejected under 35 U.S.C. 102(b) as being anticipated by Ischinger (WO 99/03426). After careful review, Applicant must respectfully traverse this rejection.

Turning to claim 1, which recites:

1. (Previously Presented) A catheter system for positioning a stent at a vessel bifurcation, the catheter system comprising:
 - a catheter, the catheter comprising:
 - a channel having a main guidewire lumen extending proximally from a distal end of said catheter to a main exit port, said main exit port located at a first distance from said distal end, wherein said main guidewire lumen is configured to receive a main vessel guidewire therethrough; and
 - a branch guidewire enclosure positioned alongside said channel, wherein said branch guidewire enclosure is configured to receive a branch vessel guidewire therethrough; and
 - a stent having a lumen and a side opening in a wall thereof, said stent positioned on a distal portion of said channel, and wherein a distal portion of said branch guidewire enclosure is positioned through said lumen and exiting at said side opening,

said branch guidewire enclosure extending proximally from said side opening of said stent to a branch exit port, said branch exit port located at a second distance from said distal end of said catheter system, said branch guidewire enclosure bonded to said channel only at said branch exit port, said first distance and said second distance being substantially equal,

wherein said first distance and said second distance are less than a distance from said distal end of said catheter system to a proximal end of said catheter system and greater than a distance from said distal end of said catheter system to said proximal end of said stent.

Nowhere does Ischinger appear to teach or suggest at least “a stent having a lumen and a side opening in a wall thereof, said stent positioned on a distal portion of said channel, and wherein a distal portion of said branch guidewire enclosure is positioned through said lumen and exiting at said side opening”, as recited in claim 1.

Instead, Ischinger appears to teach a balloon catheter having a wire channel 14 that may run along the length of the balloon catheter shaft. However, the distal end, or distal wire exit 11, of the wire channel 14 appears to be located proximal to the functional segment of the stent catheter. In other words, the distal wire exit 11 appears to be disposed at a location proximal of the stent. This configuration is clearly illustrated in, for example, Figures 2A, 4A, and 4B.

As the Examiner is aware, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). (MPEP § 2131). As noted above, nowhere does Ischinger appear to teach each and every element of claim 1. In particular, nowhere does Ischinger appear to teach or suggest “a stent having a lumen and a side opening in a wall thereof, said stent positioned on a distal portion of said channel, and wherein a distal portion of said branch guidewire enclosure is positioned through said lumen and exiting at said side opening”. Further, there appears to be no reason to modify the teachings of Ischinger to arrive at the device of claim 1. Therefore, for at least these reasons, claim 1 is believed to be patentable over Ischinger. For similar reasons and others, claims 3 and 4, which depend from claim 1 and include additional limitations, are believed to be patentable over Ischinger.

Turning to claim 13, which recites:

13. (Currently Amended) A catheter comprising:
a proximal tube terminated at a distal ~~open~~ end;
a distal assembly comprising a first tube terminated at a proximal ~~open~~

end and a second tube terminated at a proximal ~~open~~ end, wherein said first tube is configured to receive a first guidewire and said second tube is configured to receive a second guidewire; and

a three-way bond coupling the distal ~~open~~ end of the proximal tube to said proximal ~~open~~ end of said first tube and to said proximal ~~open~~ end of said second tube; wherein the second tube of the distal assembly is bonded to the first distal tube only at the three-way bond.

Nowhere does Ischinger appear to teach or suggest, at least, “a proximal tube terminated at a distal end” and “a distal assembly comprising a first tube terminated at a proximal end and a second tube terminated at a proximal end” or “a three-way bond coupling the distal end of the proximal tube to said proximal end of said first tube and to said proximal end of said second tube; wherein the second tube of the distal assembly is bonded to the first distal tube only at the three-way bond”, as recited in claim 13.

Instead, Ischinger appears to teach a balloon catheter including an extra wire channel 14 for receiving an extra guidewire 15. As such, it appears that the device taught by Ischinger includes a first tube defining the regular guidewire channel of the balloon catheter and a second tube defining the extra wire channel 14. Nothing in Ischinger appears to teach or suggest a proximal tube and a distal assembly including a first tube and a second tube.

Furthermore, nothing in Ischinger appears to teach or suggest the claimed three-way bond coupling the distal end of the proximal tube to the proximal ends of first tube and second tube. As mentioned above, Ischinger appears to disclose a balloon catheter with only two tubes. Hence, nothing in Ischinger appears to teach or suggest the claimed three-way bond.

Moreover, nothing in Ischinger teaches wherein the second tube of the distal assembly is bonded to the first distal tube only at the three-way bond. Nowhere does Ischinger teach this and nowhere does the Examiner point to any portion of Ischinger as teaching or suggesting this limitation. In fact, from the Figures of Ischinger, it appears that the regular guidewire channel and the extra guidewire channel are bonded together along the length of the extra guidewire channel. Therefore, for at least these reasons, claim 13 is believed to be patentable over Ischinger. For similar reasons and others, claims 14, 16, 17, 19, 21, and 22, which depend from claim 13 and include additional limitations, are believed to be patentable over Ischinger. Applicant respectfully requests that if the Examiner is to maintain this rejection, that the Examiner point out with particularity where Ischinger teaches each and every element of claim

13.

Turning to claim 28, which recites:

28. (Previously Presented) A catheter comprising:
a proximal tube extending from a proximal end to a distal end;
a first distal tube having a proximal open end, the first distal tube being configured to receive a first guidewire;
a second distal tube having a proximal open end, the second distal tube being configured to receive a second guidewire; and
a bond having a proximal end and a distal end, the proximal end of the bond connecting to the proximal tube at the distal end of the proximal tube, the distal end of the bond connecting to the first distal tube at the proximal open end of the first distal tube, and the distal end of the bond connecting to the second distal tube at the proximal open end of the second distal tube, wherein the second distal tube is detached from the first distal tube outside of the bond.

As discussed previously, nowhere does Ischinger appear to teach or suggest “a proximal tube”, “a first distal tube”, “a second distal tube”, or “a bond having a proximal end and a distal end, the proximal end of the bond connecting to the proximal tube at the distal end of the proximal tube, the distal end of the bond connecting to the first distal tube at the proximal open end of the first distal tube, and the distal end of the bond connecting to the second distal tube at the proximal open end of the second distal tube, wherein the second distal tube is detached from the first distal tube outside of the bond”, as recited in claim 28. Therefore, for at least these reasons, claim 28 is believed to be patentable over Ischinger. For similar reasons and others, claim 29, which depends from claim 28 and includes additional limitations, is believed to be patentable over Ischinger.

Claim Rejections – 35 USC § 103

In paragraph 11 of the Final Office Action, claims 2, 15, and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ischinger in view of Wilson (EP 0 897 700). After careful review, Applicant must respectfully traverse this rejection. As discussed previously, claims 1, 13, and 28 are believed to be patentable over Ischinger and nothing in Wilson appears to remedy the noted shortcomings of Ischinger. Therefore, claims 2, 15, and 31, which depend from claims 1, 13, and 28, respectively, are believed to be patentable over Ischinger and Wilson.

In paragraph 13 of the Final Office Action, claims 5, 8, 20, and 23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ischinger. After careful review, Applicant must

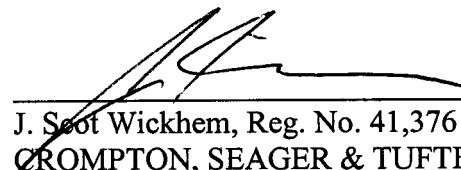
respectfully traverse this rejection. As discussed previously, claims 1 and 13 are believed to be patentable over Ischinger. Therefore, claims 5, 8, 20, and 23, which depend from one of claims 1 and 13, are believed to be patentable over Ischinger.

Conclusion

In view of the foregoing, all pending claims are believed to be in a condition for allowance. Reexamination and reconsideration are respectfully requested. Issuance of a Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted:

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